IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21876 of 2004

Between:

C. Mallikarjuna Rao, S/o Late Sri Jayaramaiah,
Ammavaripet, Venkatagiri mandal, Nellore District.

... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by the Secretary,
Home Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Nellore District, Nellore.
3 The Revenue Divisional Officer, Gudur Revenue Divisional,

Gudur, Nellore District.
4 Sri Kanna Munuswamy, S/o Manikyam,Hindu,
Sri Venkateswara Touring Talkies, Bangarupet,

Venkatagiri Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or direction or order, particularly in the nature of a Writ of Mandamus directing the respondents 1 to 3 not to renew the licence to run temporary cinema theatre at Bangarupet village in favour of the 4th respondent with effect from 1-1-2005 by holding that the fourth respondent is not entitled to the said renewal in view of Rule 7 (1) (e) read with Rule 7 (4) of the A.P. Cinemas (Regulation) Rules 1970.

Counsel for the Petitioner: MR.M.JAGANNATHA SARMA

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: NONE APPEARED

The Court at the admission stage made the following :

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O R D E R:

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The petitioner is said to have established a permanent cinema theatre at Ammavaripet village of Venkatagiri Mandal, Nellore District. His grievance is that the respondents 1 to 3 are proposing to renew the licence of a temporary theatre established by the fourth respondent at Bangarupet village of Venkatagiri Mandal, Nellore District, within the prohibited distance.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The granting of licences of permanent or temporary theatres is governed by the provisions of the A.P.Cinema (Regulation) Rules, 1970. Apart from the other things, the rules prescribed the minimum distance to be observed between such theatres. The applicability of the rules would also depend on the population of the place. It is the case of the petitioner that the objection raised by him when the licence in favour of the fourth respondent was being granted, was not taken into account on the ground that the population of the village is less than 50,000. He contends that the present population of the village is more than 50,000, and in that view of the matter, the rule stipulating the distance between various categories of theatres is attracted.

The question as to whether the population of the village concerned has crossed 50,000 and whether there is any violation of the rule relating to the distance between such theatres has to be considered by the licensing authority. This Court cannot record any finding on such aspects, and the petitioner can certainly raise them before the respondents 2 and 3.

The writ petition is disposed of directing that it shall be open to the petitioner to submit a representation to the respondents 2 and 3 in relation to the renewal of licence for the theatre established by the fourth respondent, and the respondents 2 and 3 shall take the same into account before the licence in favour of the 4th respondent is renewed. There shall be no order as to costs.

30th November, 2004

Note: Issue copy in three days

(B/o)

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To

1 The Secretary,
Home Department, Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.
2 The District Collector, Nellore District, Nellore.
3 The Revenue Divisional Officer, Gudur Revenue Division,

Gudur, Nellore District.
4 Two C.Cs.to the Government Pleader for Revenue,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies